

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 567

Introduced by Louden, 49; Burling, 33; Carlson, 38; Christensen,
44; Hansen, 42; Harms, 48; Wallman, 30

Read first time January 17, 2007

Committee: Judiciary

A BILL

1 FOR AN ACT relating to recreational activities; to amend sections
2 37-729, 37-730, 37-732, 37-735, and 37-736, Reissue
3 Revised Statutes of Nebraska, and section 37-734,
4 Revised Statutes Cumulative Supplement, 2006; to name the
5 Recreational Liability Act; to redefine a term; to change
6 owner liability provisions; and to repeal the original
7 sections.

8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 37-729 to 37-736 and this section
2 shall be known and may be cited as the Recreational Liability Act.

3 Sec. 2. Section 37-729, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 37-729 For purposes of ~~sections 37-729 to 37-736~~ the
6 Recreational Liability Act:

7 (1) Land includes roads, water, watercourses, private
8 ways, and buildings, structures, and machinery or equipment thereon
9 when attached to the realty;

10 (2) Owner ~~includes~~ means a private individual or a
11 private entity that is a title holder, tenant, lessee, occupant, or
12 person otherwise in control of the premises, land; and

13 (3) Recreational purposes includes, but is not limited
14 to, any one or any combination of the following: Hunting, fishing,
15 swimming, boating, camping, picnicking, hiking, pleasure driving,
16 nature study, waterskiing, winter sports, and visiting, viewing, or
17 enjoying historical, archaeological, scenic, or scientific sites,
18 or otherwise using land for purposes of the user. ~~and~~

19 ~~(4) Charge means the amount of money asked in return for~~
20 ~~an invitation to enter or go upon the land.~~

21 Sec. 3. Section 37-730, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 37-730 The purpose of the Recreational Liability Act
24 ~~sections 37-729 to 37-736~~ is to encourage owners of land to make
25 available to the public land and water areas for recreational

1 purposes by limiting their liability toward persons entering
2 thereon and toward persons who may be injured or otherwise damaged
3 by the acts or omissions of persons entering thereon.

4 Sec. 4. Section 37-732, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 37-732 Subject to section 37-734, an owner of land who
7 either directly or indirectly invites or permits ~~without charge~~
8 any person to use such property for recreational purposes does not
9 thereby (1) extend any assurance that the premises are safe for
10 any purpose, (2) confer upon such persons the legal status of an
11 invitee or licensee to whom a duty of care is owed, or (3) assume
12 responsibility for or incur liability for any injury to person or
13 property caused by an act or omission of such persons.

14 Sec. 5. Section 37-734, Revised Statutes Cumulative
15 Supplement, 2006, is amended to read:

16 37-734 Nothing in ~~sections 37-729 to 37-736~~ the
17 Recreational Liability Act limits in any way any liability which
18 otherwise exists ~~(1) for willful or malicious failure to guard or~~
19 ~~warn against a dangerous condition, use, structure, or activity. or~~
20 ~~(2) for injury suffered in any case where the owner of land charges~~
21 ~~the person or persons who enter or go on the land.~~

22 Sec. 6. Section 37-735, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 37-735 Nothing in ~~sections 37-729 to 37-736~~ the
25 Recreation Liability Act creates a duty of care or ground of

1 liability for injury to person or property.

2 Sec. 7. Section 37-736, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 37-736 Nothing in ~~sections 37-729 to 37-736~~ the
5 Recreation Liability Act limits in any way the obligation of a
6 person entering upon or using the land of another for recreational
7 purposes to exercise due care in his or her use of such land in his
8 or her activities thereon.

9 Sec. 8. Original sections 37-729, 37-730, 37-732, 37-735,
10 and 37-736, Reissue Revised Statutes of Nebraska, and section
11 37-734, Revised Statutes Cumulative Supplement, 2006, are repealed.